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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG 27 PM 4: 25

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Humberto AMPARO-Ocampo,

Defendant(s)

Magistrate Case No.

'08 MJ 2646

COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal Aliens;
Title 8 U.S.C., Sec. 1324 (a)(1)(A)(iii)
Harboring Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **August 26, 2008**, within the Southern District of California, defendant **Jose Humberto AMPARO-Ocampo** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Joel AVENDANO-Verdugo** had come to, entered and remained in the United States in violation of law, did transport and move, said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

On or about **August 26, 2008**, within the Southern District of California, defendant **Jose Humberto AMPARO-Ocampo** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Rosa Maria SANTOS-Fajardo**, had come to, entered and remained in the United States in violation of law, did conceal, harbor, and shield from detection said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Murry T. Streetman
FBI Special AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF AUGUST, 2008

William McCurine Jr.

UNITED STATES MAGISTRATE JUDGE

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8/26/08
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CONTINUATION OF COMPLAINT:**Jose Humberto AMPARO-Ocampo****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Rosa Maria SANTOS-Fajardo, and Joel AVENDANO-Verdugo** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 26, 2008, at approximately 4:45 a.m., Federal Bureau of Investigation (FBI) and United States Border Patrol (USBP) Agents initiated surveillance at the apartment complex located at 4241 Logan Avenue, San Diego, California in anticipation of the execution of search and arrest warrants.

At approximately 5:00 a.m., USBP Agent L. Rivera observed defendant **Jose Humberto AMPARO-Ocampo**, exit the apartment complex and depart the area in a silver Dodge Intrepid bearing California license plates.

At approximately 5:40 a.m., Agent Rivera observed defendant **AMPARO** arrive back at the apartment complex in the silver Intrepid. Agent Rivera observed **AMPARO** exit the vehicle with another Hispanic male, later identified as material witness **Joel AVENDANO-Verdugo**, and entered the apartment complex.

At approximately 6:15 a.m., FBI and USBP Agents executed a search warrant at 4241 Logan Avenue apartment complex apartment B. Agents made a knock and announcement and nobody responded. Agents then breached the door to the apartment. Inside the apartment agents encountered defendant **AMPARO** and material witness **Joel AVENDANO-Verdugo**. Agents also encountered two Hispanic females, later identified as Jovanna VALERIO and material witness **Rosa Maria SANTOS-Fajardo**. Border Patrol Agent O. Ramirez identified himself to all four individuals as a Border Patrol Agent and questioned them as to their immigration status independently. **AMPARO, AVENDANO** and **SANTOS** admitted to being citizens and nationals of Mexico illegally present in the United States. VALERIO stated she was a naturalized US citizen. VALERIO was detained for further questioning. **AVENDANO** and **SANTOS** were arrested for violations of Title 8 U.S.C. 1325. **AMPARO** was arrested for suspected violations of Title 8 U.S.C. 1324. All subjects were transported to the Chula Vista Border Patrol Station for processing.

STATEMENT OF DEFENDANT JOSE AMPARO-OCAMPO:

On August 26, 2008, defendant Jose AMPARO-Ocampo was advised of his rights as per the Miranda Warning. AMPARO stated he understood his rights. AMPARO stated he was born on September 1, 1988 in Mazatlan, Mexico. He was raised in Nayarit, Sinaloa, Mexico. AMPARO stated he has been arrested approximately seven or eight times by USBP Agents. AMPARO advised he was deported by an Immigration Judge in 2006 and knew that it was illegal to reenter the United States. AMPARO stated he reentered the United States around January 10, 2008 on foot in the "Playas" area west of the San Ysidro Port of Entry. Since about March or April 2008, AMPARO has been living at 4241 Logan Avenue, Apartment B.

AMPARO stated his cousin, Mario AMPARO-Partida, got him involved in alien smuggling, but he currently works for an alien smuggler named "Fernando." AMPARO stated he has transported approximately 70 smuggled aliens for "Fernando." AMPARO stated he gets paid \$100.00 per alien to pick them up in the US near the US/Mexico border and transport them to Los Angeles.

Jose Humberto AMPARO-Ocampo

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STATEMENT OF MATERIAL WITNESS ROSA MARIA SANTOS-FAJARDO:

On August 26, 2008, material witness Rosa Maria SANTOS-Fajardo provided a sworn statement in the Spanish language, which in summary depicts the following:

Rosa Maria SANTOS-Fajardo, admits to being a citizen and national of Mexico illegally present in the United States. She made arrangements with a man named "El Guero" to be smuggled into the United States for \$2000. SANTOS stated that her boyfriend was willing to pay for her crossing. She intended to travel to San Diego.

On August 25, 2008, at approximately 5:30 p.m., she was driven near the international border in Tijuana, Mexico where she met a young man that guided her through the port of entry. SANTOS stated she followed the foot-guide and while the immigration officers were inspecting the foot-guide's document, she walked around the inspection booth and made it into the United States. She then followed the foot-guide to a park. The foot guide made a telephone call and within a few minutes a dark colored vehicle arrived. She entered the vehicle and the foot-guide walked away. She was driven to an apartment complex and told by the driver which door to enter then the driver left.

When SANTOS entered the apartment, a young male subject told her that she could watch television in the living room or go to the bedroom and sleep. The next thing she recalled was agents entering the house and arresting everyone. She believed that the organizers of this smuggling operation knew that she was illegal.

Through a photographic line-up SANTOS identified the defendant AMPARO as the young male subject in the house that told her where she could sleep.

STATEMENT OF MATERIAL WITNESS JOEL AVENDANO-VERDUGO:

On August 26, 2008, material witness Joel AVENDANO-Verdugo provided a sworn statement, which in summary depicts the following:

Joel AVENDANO-Verdugo admits to being a citizen of Mexico illegally present in the United States. AVENDANO stated he illegally entered the United States on or about August 25, 2008 through an unknown port of entry, smuggled in the trunk of a vehicle. His cousin made arrangements for him to be smuggled into the United States. On August 24, 2008, his cousin told him to travel to Tijuana and call a woman by the name of "Martha." Once in Tijuana, AVENDANO called Martha who picked him up at the bus station and took him to a house where he spent the night alone. The next day he was taken to another house where he was placed in the trunk of an unknown vehicle and smuggled into the United States.

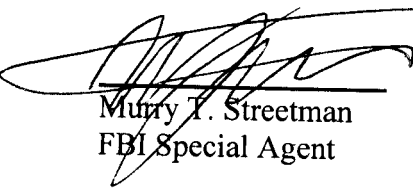
Once in the United States and the trunk was opened, AVENDANO noticed he was near a Taco Bell restaurant. AVENDANO was then transferred into another vehicle which he identified as a Chrysler 4 door sedan driven by a male driver. AVENDANO was driven to an apartment complex and the driver led him into an apartment unit.

CONTINUATION OF COMPLAINT:**Jose Humberto AMPARO-Ocampo**

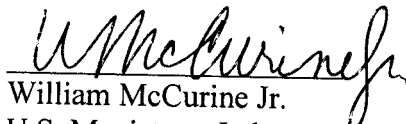
AVENDANO stated that when they arrived at the apartment, the driver instructed him to stay in the living room and if anyone knocked on the door, to call him out of the room. AVENDANO stated when he heard police knocking on the door, he went and told the driver. AVENDANO stated the driver told him to get in the room and stay there. AVENDANO stated that briefly after getting in the room, the police entered the unit they were in.

AVENDANO stated that he believes that "Martha" along with the rest of the individuals involved in smuggling him into the United States, knew that he did not possess any proper immigration documents that would allow him to enter or remain in the United States legally. AVENDANO stated he was going to pay \$2000.00 U.S. to be smuggled illegally into the United States.

Through a photographic line-up AVENDANO identifies defendant AMPARO as the driver of the Chrysler.



Murry T. Streetman
FBI Special Agent



William McCurine Jr.
U.S. Magistrate Judge

8/27/08 1618 hrs
Date/Time